

DECLARATION OF GABRIEL RUSSELL

I, Gabriel Russell, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. This declaration is based on my personal knowledge and information made available to me in the course of my official duties.
2. I am the Federal Protective Service (FPS) Regional Director for Region 10. In that role, I supervise the Federal Protective Service in the states of Washington, Oregon, Idaho, and Alaska. I also command the US Department of Homeland Security (“DHS”) Rapid Deployment Force for Operation Diligent Valor in Portland Oregon.
3. Protests have been ongoing regularly in downtown Portland since May 26, 2020. These daily protests have regularly been followed by nightly criminal activity in the form of vandalism, destruction of property, looting, arson, and assault.
4. Federal buildings and property have been the targets of many of these attacks, including the Mark O. Hatfield Federal Courthouse, the Pioneer Federal Courthouse, the Gus Solomon Federal Courthouse, the Immigration and Customs Enforcement (“ICE”) Building, and the Edith Green Wendall Wyatt Federal Office Building. Officers protecting these properties have also been subject to threats, rocks and ball bearings fired with wrist rockets, improvised explosives, aerial fireworks, and commercial grade mortars, high intensity lasers targeting officer’s eyes, thrown rocks, full and empty glass bottles, and balloons filled with paint and other substances such as feces. The most serious injury to date occurred when an officer was struck in the head and shoulder by a protestor wielding a two-pound sledgehammer when the officer tried to prevent the protestor from breaking down a door to the Hatfield Courthouse. In addition, an officer was hit in the leg with a marble or ball bearing shot from a high-powered wrist rocket or air gun, resulting in a wound down to the bone. To date, twenty-eight federal law enforcement officers have experienced injuries during the rioting to include broken bones, hearing damage, eye damage, a dislocated shoulder, sprains, strains and contusions.
5. In response to this increase in damage to federal property and assaults on federal law enforcement officers, DHS deployed more officers to Portland for the purposes of protecting federal buildings and property. There are currently one hundred and fourteen federal law enforcement officers from the FPS, ICE, Customs and Border Protection (CBP), and the US Marshals Service (USMS) protecting federal facilities in downtown Portland. From May 27th until July 3rd officers were stationed in a defensive posture intended to de-escalate tensions by remaining inside federal buildings and only responding to breach attempts or other serious crimes. This attempt to de-escalate was unsuccessful and an increasingly violent series of attacks culminated in a brazen attack to break into and set fire to the Hatfield Courthouse in the early morning hours of July 3, 2020. A team of violent individuals used teamwork and rehearsed tactics to breach the front entry of the Courthouse by smashing the glass entryway doors. The individuals threw balloons containing an accelerant liquid into the lobby and fired powerful commercial fireworks towards the accelerant in an apparent attempt to start a fire. In response to the increasingly violent attacks, on the morning of July 4th, the DHS Rapid

Deployment Force implemented tactics intended to positively identify and arrest serious offenders for crimes such as assault, while protecting the rights of individuals engaged in protected free speech activity.

6. On the evening of July 11, 2020 into the early morning of July 12, 2020, protesters near the Hatfield Courthouse grew to approximately 300 people. A barrier of police tape was established across the front of the Hatfield Courthouse and protesters were ordered not to trespass on federal property but refused to comply with that command. Commands were made utilizing a long-range acoustic device that is audible even with loud crowd noises. A joint team of FPS, CBP, and USMS deployed and made an arrest for trespass and protesters swarmed the officers. FPS officers deployed less-lethal projectile rounds to allow the arrest team to safely withdraw from federal property. The protestors responded by throwing items that posed a risk of officer injury, including rocks, glass bottles, and mortar-style fireworks, and pointing lasers at law enforcement personnel. One protester encroached on a police barrier, refused to leave, and became combative while detained. A crowd of protesters swarmed the officers and tear gas was deployed to protect officers as they withdrew to the Hatfield Courthouse. Another protester trespassed on the steps of the Hatfield Courthouse and when engaged by officers the subject swallowed a large number of narcotics. The subject began to convulse, and EMS was requested to treat the subject.
7. FPS gave protesters more warnings to stay off federal property, and to cease unlawful activity. Tear gas was deployed again to push protestors back from the Hatfield Courthouse. FPS contacted the Portland Police Bureau (“PPD”) who informed us they were preparing to declare an unlawful assembly. By this time the size of the group had diminished to approximately 100 people. Federal law enforcement teams from Hatfield Courthouse and Edith Green Federal Building pushed the crowd towards the park across from the facilities. The PPD arrived and closed all roads in the vicinity of the facilities. There were multiple attacks throughout the night of commercial grade lasers against officers’ eyes, thrown hard objects including rocks and glass bottles. Federal officers made seven arrests including three for assault on an officer and others for failure to comply with lawful orders. The PPD declared an unlawful assembly and began making arrests for failure to disperse. FPS also made dispersal orders on federal property and cleared persons refusing to comply with these orders at the same time.
8. All DHS law enforcement officers engaged in protecting federal facilities within Portland are doing so under the Secretary of Homeland Security’s authority provided in 40 U.S.C. § 1315.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: July 21, 2020



GABRIEL RUSSELL